



State of Utah Stream Alteration Program

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State Engineer's Office - Division of Water Rights

What is the Law?

Established by legislature to address Natural Resource concerns.

Title 73-3-29 of Utah Code Annotated:

A state agency, county, city, corporation, or person may not relocate any natural channel or alter the bed and banks of any natural stream without first obtaining the written approval of the state engineer.

General Permit 40

- Joint Permitting Agreement (GP-40).
 - Entered into just over a decade after State Program instituted.
 - Intent to streamline permitting so that whatever the State permits (that is federally jurisdictional) is also covered under the Clean Water Act.
 - Continuing and new exclusions.

Farmington Canyon



Application Procedures

- Blank Applications can be obtained from:
 - Division of Water Rights Offices.
 - Division of Water Rights Homepage.
- Submission of joint permit application.
- Preliminary determination of GP-40 applicability.

Application Requirements

- Applicants shall submit the following information with application:
 - Fees
 - Justification, Impacts, & Alternatives Discussion.
 - Rehabilitation and planting plan for disturbed areas.
 - Location/Plan/Cross-Section Views & Hydraulic calculations.
 - Photos & Description of construction methods.
 - Other items as listed or needed.

Circulation and Comment Period

- 20 day public comment period.
 - Applications are posted and can be viewed from the Division of Water Rights Homepage or can be obtained from the Division's office.

Formal Application Circulation

- U.S. Army Corps of Engineers
- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service
- Utah Division of Water Rights Regional Office
- Utah Division of Wildlife Resources
- Utah Division of Parks and Recreation
- Utah Division of Forestry, Fire, and State Lands
- Utah Division of Water Quality
- Utah Office of Historic Preservation
- Utah Department of Agriculture
- Comprehensive Emergency Management
- Local Flood Control Agencies

Evaluation of Application

- Will proposed alteration:
 - Impair vested water rights?
 - Unreasonably or unnecessarily affect any recreational use or the natural stream environment?
 - Unreasonably or unnecessarily endanger aquatic wildlife?
 - Unreasonably or unnecessarily diminish the natural channel's ability to conduct high flows?

Rejections and Approvals

- Rejections
 - Written notification stating rationale for decision and instructions for requesting reconsideration.
- Approvals
 - Written authorization with conditions of use and permit expiration (2 years).
 - Extensions limited

Administrative Rule R655-13

- Clarification of 73-3-29 of the Utah Code.
- Establishment of jurisdictional limitations.
- Requirements for specific stream alteration activities.

What is the Law?

Title 73-3-29 of Utah Code Annotated:

*A state agency, county, city, corporation, or person may not relocate any natural channel or **alter** the bed and banks of any **natural stream** without first obtaining the written approval of the state engineer.*

Definitions

- What is an alteration?

To obstruct, diminish, enhance, destroy, modify, relocate, realign, change, or potentially affect the existing condition or shape of a channel, or to change the path or characteristics of water flow within a natural channel. It includes processes and results of removal or placement of material or structures within the jurisdiction delineated in this rule.

Definitions

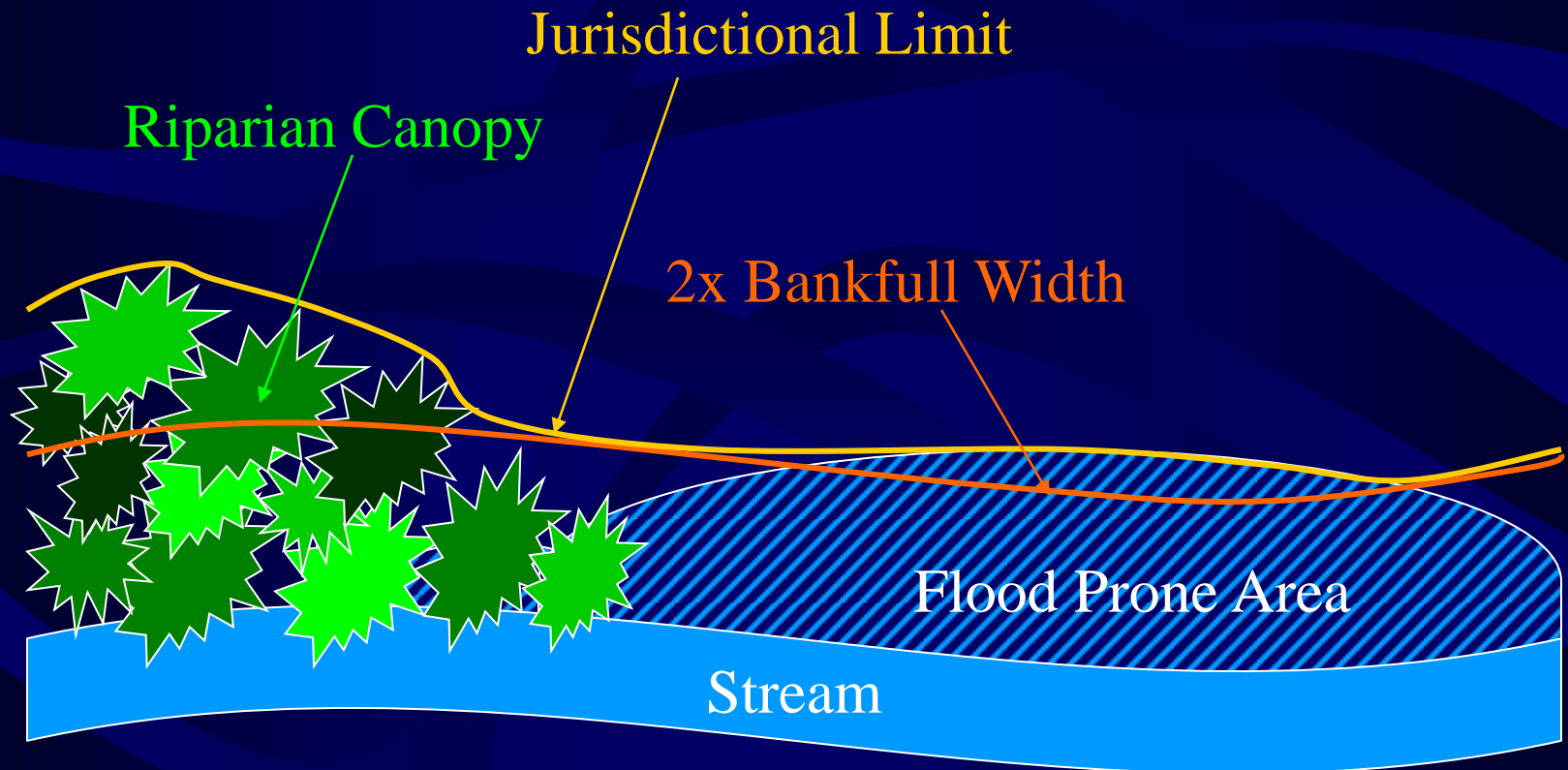
- What is a natural stream?

Any waterway, along with its fluvial system, that receives sufficient water to sustain an ecosystem that distinguishes it from the surrounding upland environment.

Jurisdiction

- Greatest of the following:
 - Observed riparian zone or canopy drip line; or
 - Two times the bankfull width from the bankfull edge of water in direction perpendicular to flow and away from the channel up to a maximum of 30 feet; or
 - Portions of the floodplain that have been observed conducting or storing water during high flow events or show physical evidence of conducting or storing water during high flow events.

Jurisdiction



Specific Stream Alteration Activities

- Utility crossings.
- Bridges.
- Culverts.
- Vegetation removal.
- Storm water outfall.
- Channel relocation.
- Beaver dam removal.
- In-stream structures.
- Channel rehabilitation.

Ivie Creek



Sevier River



Impoundments / Dams

- Any impoundment with a a man-made embankment (not excavated) is considered a dam and subject to Dam Safety regulation.
- If the impoundment is on a natural stream it will also require a Stream Alteration permit.

State Street, Spring 1983



St George



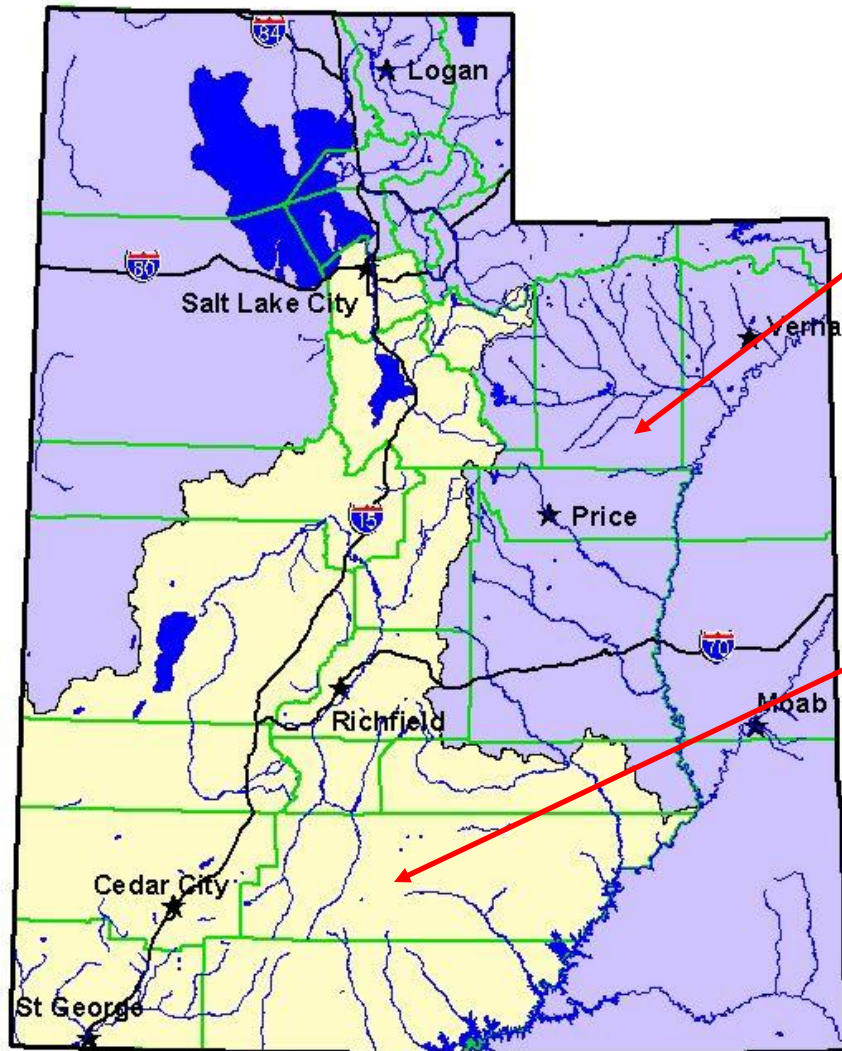
Uintah County



Contacts and Other Information

- Division of Water Rights Homepage
www.waterrights.utah.gov
 - Blank applications.
 - Current and past applications and status.
 - Utah Code and Administrative Rules pertaining to stream alterations.
 - Interactive Location Mapping

Contacts



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